

Good day to the, Chairs, and seats. I'm Gregg Marchand from the city of Willimantic, Connecticut. I oppose and want to comment on Bill. No. 897 AN ACT CONCERNING REGULATION OF FIREARMS Most this bill is trespassing on the Fourth Amendment Right of everybody. I agree no one should be hunting or carrying a loaded firearm while being intoxicated. Using the d.u.i procedure is ridiculous there's no comparison. It's just another way to harass gun owners. It isn't as if the gun owner was waving a gun around in a threatening manner. This bill is based on having a round in the gun and will be probable cause for arrest is actually harassment. Will this be the procedure? A DEP Officer picks a name out of a hat and then sees where that individual hunts then have the DEP officer hang out until that hunter comes out of the woods? Lawmakers stop worrying about legal gun owners and that they may have a bullet in the gun after a couple of beers. Actually I think .08 is less than two beers. Be real not ridiculous. So after having a few drinks I cannot protect myself or family. This is opening the door for more crime.

What really has me stunned, and it's not the Taser, it's the Public Safety Committee seems not to care if Public Safety Officers and Troopers do drugs, which to me is obvious because police and troopers are not on the Department of Labor list, for random drug testing under the rule for having High Risk Safety Sensitive Occupations. And we all know that police do without a doubt have a high risk safety sensitive occupation. Really, it's a higher risk than anything else on that Labor list.

Let's start being responsible and make sure all armed officers and troopers that have power of arrest are being held to a higher authority and are not on drugs and or alcohol and or the anabolic steroid. Everyone in our armed forces gets randomly tested for drugs.

And if you do expect to use the same standards of testing as with DUI charge, just to let you know there are a few inconsistencies with DUI testing, such as the Intoxilyzer 3000 is supposed to read only alcohol from beverages with booze in it - so to speak. Rinse your mouth out with mouthwash, and then blow into the Breathalyzer 3,000; sometimes the computer can read an alcohol content of 0.02 to 0.04 from the mouthwash, which proves the Intoxilyzer 3000, is not precise or user-friendly as it has been told to us people giving false readings.

What if an officer says the individual refused the test, when really the test was not offered? Then what? The gun carrier has the gun taken? Or what if an officer says there was a bullet in the chamber when there was not a bullet in the chamber? This is without a doubt stomping on our 2<sup>nd</sup> and 4<sup>th</sup> amendments especially with the testing of the breath and blood.

Public Safety Committee members, police carry a loaded sidearm, a loaded Taser, a billy club, and have a beefed-up car. Police, without any doubt, should be randomly drug tested before anyone else that's on that Department of Labor list on the grounds that they have a very dangerous job, and in having this very dangerous job, they must be alert and acting in the proper state of mind.

Police are not tiptoeing through the tulips. They're driving looking down alleys, looking in cars, doing all sorts of activities while driving to find a crime. For the public safety they should be randomly tested because of the positive position they are supposed to uphold.

Representative Dargan stated it's up to the Bargaining Table which makes police above the law on the grounds no other union had any say. Why is it the police union has a say? Because once it becomes a law unions cannot supersede the law. Senator Prague, the former Chair of the Labor and the Employee committee, wrote me a letter agreeing that police should be randomly drug tested, including for the anabolic steroid, but they cannot be tested because it will go against the police officer's Fourth Amendment. Shows they are not covered by the 4<sup>th</sup> amendment. This case listed The current law of public employee drug testing began with the Supreme Court's decisions in *Skinner v. Railway Labor Executives' Assn.*, 489 U.S. 602 (1989), and *National Treasury Employees v. Von Raab*, 489 U.S. 656 (1989). In these companion cases, the Court held that the government is allowed to conduct drug tests without individualized suspicion when there is a "special need" that outweighs the individual's privacy interest. In *Skinner*, the court found that public safety was such a special need. In *Von Raab*, the court found a special need in relation to customs agents who carry firearms or are directly involved in drug interdiction.

The federal courts spent the next decade defining which government interests qualified as "special needs" and defining the scope of those that qualified.

It soon became clear that "special need" meant little more than that the nature of the employee's job was extremely important, and that a great deal of harm could be done if the job was not performed properly. The courts did not require public employers to demonstrate that employees who used drugs were likely to create this harm, nor that there was any special difficulty with preventing the harm through normal supervisory methods. Courts generally resisted, however, attempts to push the *Skinner/Von Raab* envelope to encompass large sections of the workforce. The result was an unprincipled, but relatively small and well defined exception to normal Fourth Amendment principles.

After that being told to me, I ask lawmakers, do you not care for the regular citizen's Fourth Amendment right but care very much for the police officer's Fourth amendment right? That's unconstitutional. I mean, what's good for the goose is good for the gander.

Also police officers are defenders of public safety, and are charged with one of the highest and most noble responsibilities known to humanity. They are the physical embodiment of law and justice to me and to the everyday man. They are also human; they are made of flesh and blood; they also have the same weaknesses and vulnerabilities as everyone else. They are only humans and sometimes they could be tempted.

And I'd like to make a quote from the newspaper article. Daytona Police say, "police officers are held to a higher standard by society. The frequency of the test is warranted." Daytona Police officials said "if we're locking up people for drugs, let's make sure our own officers are clean." Walton said Tuesday, "If an officer tests positive, both the chief and I want him or her fired." "In addition, police officers have more access to illegal drugs because of seized narcotics." And that was from the Daytona Beach News Journal. Here's another comment from the Washington Gazette a newspaper from the state of Washington police say, 'police have a dangerous job. They drive fast cars and they use guns, Tasers, and batons. So if they're on drugs, there's obviously a far higher risk for them using a weapon inappropriately or crashing a car and someone getting hurt. An officer using drugs has to buy them from someone; most likely has ties to a drug dealer. And that raises a number of questions. He might also be inclined to turn a blind eye to drug dealing.'

All I really want to know from this committee is the logical reason why random drug testing, including for the anabolic steroid, is not being implemented for all police unless they are under cover. It's a public safety hazard issue.

I really appreciate you letting me speak today. Gregg Marchand p.o. box 244 North Windham, CT. 06256 860-423-0443